

## REGULAR MEETING

## Commissioners of Education Hold Session.

Some Routine Work Done—And Appointments Made Yesterday.

The topics for discussion in the meetings of the Commissioners of Education crop out as unexpectedly but as picturesque as the branches on a family tree. A Commissioner does not know where his suggestion for an appointment for Miss Bjones is going to end, for before final action is taken at the session the matter of repairing the roof of the school house on Molokai may be taken up. By way of comparison, the church dorcas society ranks high.

The members present yesterday were Mrs. Jordan, Inspector-General Townsend, Deputy Inspector Scott, W. A. Bowen, H. M. von Holt and Professor Alexander. The meeting was presided over by Minister Cooper. After the approval of the minutes of the previous meeting, Inspector-General Townsend read the resignation of C. D. Pringle, and this was promptly accepted. Then began the reading of the list of transfers and appointments to the various schools.

Among these was the name of Miss Thurston, a cousin of the wife of Captain Campbell. She has been in correspondence with the Board for some time, and arrived on the steamer yesterday. Mrs. Hendry's resignation was read and accepted, to take place on September 1st.

The motion to appoint Miss Wilhelmina Joehneke to a place now occupied by a teacher who has been a long time in the employ of the Board caused a discussion which lasted half an hour, but during this time the teachers who hold third-class certificates and who failed to prepare for examinations, had considerable attention. It seems that several of these teachers claim that the notice they received was not long enough for them to prepare for the examinations, and rather than fail they declined to appear. Mr. Bowen favored reconsidering the action of the Board in retiring two of these teachers; President Cooper coincided to a certain degree, because the Board had suddenly jumped from a very lax rule to one that was hard and fast, but on referring to the minutes of the meeting of July 2d, it was found there recorded the authorization for the notices. As the young lady in the Molokai school was one of those interested, Mr. von Holt moved that she be returned to the school for the period of one year, but this was subsequently changed, and the matter referred to Inspector-General Townsend, with authority to act.

President Cooper then read the recommendations for increase in salaries of some of the teachers, the Inspector explaining that the increase was based on the grade of the certificate. The reading of applications for positions followed, and Miss Joehneke was assigned to the position of assistant at Hanalei.

Mr. Bowen, one of the committee appointed to confer with Professor Richards on school matters, read the following report:

"Honolulu, H. L. August 28, 1897.  
"To the Minister and Commissioners of Education:

"Your committee appointed to interview Principal Richards of the Kamehameha Schools as to the accuracy of Mr. Bowen's understanding of his (Richards) ideas in reference to the required common standard for normal instruction and examinations have to report as follows:

"We have seen Mr. Richards and are able to say that he fully sustains the representations made by Mr. Bowen at the last meeting of the Educational Department, and further, that he would and does endorse the plan proposed in Mr. Bowen's resolution, but with the further suggestion that there be an addition of one other person, namely, the Inspector-General, thus making two representatives of the Educational Department on the committee to prepare such a required standard as may be satisfactory to the department.

"We therefore would recommend that the Inspector-General and Mr. Dumas of the Government Normal School, and Mr. Woodward, principal of the Kamehameha Normal Department, be invited to the task of preparing a common standard for normal instruction and final examinations, to be submitted to the department for its final revision and acceptance.

"Yours respectfully,  
(Signed) WM. A. BOWEN.  
"H. S. TOWNSEND."

On motion of Mr. von Holt, this was laid on the table. The matter of Normal School diplomas was taken up, but at the suggestion of Inspector Townsend action was deferred. It was generally agreed, however, that they should be recognized definitely as of greater value than first-class certificates, some of the teachers holding the latter having attended the Normal School and received their diplomas after receiving first-class certificates.

On motion of Mr. Bowen, the meeting adjourned. President Cooper announced that hereafter meetings would be held regularly each week.

## Kahuna Jailed.

Kihl, a kahuna, was arrested last night and locked up on the charge of vagrancy. When caught, he was in the house of a man, the hand of whose daughter he was an ardent suitor for. Kihl's character is not of the best, he

having served a term of one year on the reef for larceny.

As soon as he got out of jail, which was not long ago, he went about Kihl claiming the power to pray people to death and to cure any and all diseases. In grotesque costume he appeared by the bedside of a sick woman, with awa root and sugar cane directions and the "patient" grew worse. No matter, he was a kahuna and they believed in him, paying well for his nonsense.

A short time ago he learned that Detective Kaapa was on his track and removed his base of operations to Puuloa, playing the same old tricks on the too credulous natives of that place.

Detective Kaapa bit upon a plan to bring Kihl back to the city, and put it in operation immediately. He consulted with the father of the girl to whom the medicine man had been paying attention and told him to send for the kahuna. It should be made clear to him that all he had to do was to ask for the hand of the girl and it would be given him. Kihl bit and came up as soon as possible, only to walk into the hands of police officers.

## TAX IS UNCONSTITUTIONAL.

Court So Decides—Attorneys Wakefield and Wise Censured.

The Supreme Court handed down two decisions yesterday; one declaring the Income Tax unconstitutional, and the second censuring Attorneys Wakefield and Wise of Hilo for unprofessional conduct. Chief Justice Judd wrote the decision on the Income Tax cases. Justice Whiting concurs, while Justice Frear dissents. The decision includes the cases of James Campbell and the Honolulu Iron Works, so that it effects both individuals and corporations. By decree of the Supreme Court the order pro forma of the Circuit Judge, sustaining the defendants' demurrer, is reversed and the demurrer overruled, and the case is remanded to the Circuit Judge. The defendants filed a motion, as a result of the decision, for the issuance of an injunction restraining the Tax Assessor from assessing and collecting the tax.

After citing the contentions of both plaintiffs, and the Act by which the provision for assessing incomes is made, the opinion quotes the argument of the plaintiffs that Article 11 of the Constitution means that each person can only be taxed on his income ratably with the incomes of others. The Court differs from the contention of the defendant's attorney that "there is no limitation to the power of taxation, since we have no provision in the Constitution that taxes shall be 'equal and uniform.'" The opinion states that while the power to tax is inherent in every Government, the Legislature can only exercise this power in the method pointed out, so that each person shall pay his "proportion or share."

"The statute in question does not exempt from taxation all incomes to the amount of \$2,000, but imposes upon him who receives over \$4,000 a year a tax of 1 per cent upon the whole amount, whereas the person whose income is less than \$4,000 pays only on the excess of income over \$2,000. It is well settled that the Legislature has the power to classify objects of taxation, but it is equally well settled that selections cannot be made out of a class for taxation and others of the same class be exempted. The effect of this section of the Act would be to place the burden of this tax upon those whose annual incomes are over \$4,000, and who constitute a minority of the community."

The decision of the Court states that the argument that \$2,000 is the average annual cost of living of a family is not to be taken as true in this community. "But if it be once conceded that exemptions so large as this can be made as a public benefit, then exemptions of a much larger amount can be made which might place the whole burden upon the rich, and if pushed to an extreme be a confiscation and not the proportional taxation authorized by the Constitution."

The Court states that to mutilate the section of the Act by holding that the first part, which imposes a tax upon all incomes of persons is constitutional, all exemptions being cut off, would be in effect the making of a new statute, which it has no authority to do. "It was the evident intention of the Legislature to establish a general scheme of taxation and place a tax upon incomes of every description, whether derived by individuals or by corporations. Being convinced that the distinction made by the first section of the Act between the subjects of taxation of the same class violates the constitutional principle that taxation must be proportional, we declare the whole act to be unconstitutional and void." The demurrer is overruled.

Justice Frear dissents from the opinion of Chief Justice Judd and Justice Whiting. Justice Frear cites cases in the Federal Courts supporting an exemption of \$2,000. The basis upon which such exemptions rest is that the general welfare requires that in taxing incomes, such exemption should be made as will fairly cover the annual expenses of the average family. The question of the validity of the discriminations between personal incomes of \$4,000 and those not exceeding \$4,000.

Justice Frear states that there is little question that a graduated or progressive income tax in the usual form would be constitutional. He holds that the Legislature has not provided arbitrarily or without real grounds for classification or with any other purpose than to equalize the burdens of taxation. The tax is uniform upon all those within each class. The presumption is that the Legislature acted within its constitutional power and the presumption must not be overcome.

The Supreme Court decided yesterday that it is censurable conduct for attorneys, while acting for a client in one matter, to bring an action closely connected with it against him, having as its ulterior object actual and prospective gains to themselves. The opinion reviews the whole of the testi-

mony in the case, and concludes by saying: "Counsel owe duties to the Court besides those to their clients. The conclusion we have come to, in short, is that Mace was induced to sign the note and was arrested, either in his own interest and by previous arrangement or by collusion, in order that he might be kept from going to the ship, or else he arrested against his interest through the advice and agency of the respondents while acting as counsel for him in his malicious prosecution suit, and chiefly in order that they might retain their fee already received or get other contingent fees through the prosecution of the suit for malicious prosecution. In either case their conduct was unprofessional and censurable. We find the conduct of the respondents, while not calling for disbarment or suspension, deserves the censure of the Court."

## WILL REMAIN HERE.

Watson Wyman Will Be Permanently Located in Honolulu.

E. A. Gardner left for San Francisco Tuesday to consult the members of his company regarding the scheme to bring negro laborers here. If possible, Mr. Gardner will return on the Australia, but this is doubtful, as he wishes to make a personal selection of the men and women servants to fill the orders he has received.

Watson Wyman, who came here representing several Eastern papers, and who visited Hawaii for the purpose of inquiring into the labor situation, feels satisfied that the negroes will be a success as laborers or servants, and has accepted an offer from Mr. Gardner to represent him during his absence.

Mr. Wyman came here with excellent letters from prominent people in Washington and on the Pacific Coast, and has made many friends since his arrival.

## Circuit Court Notes.

After trying all day Monday a jury was secured for the Boyd-Gandall breach-of-promise suit, and the case went before Judge Perry yesterday morning on trial.

Alfred W. Carter, as executor under the will of Charles L. Carter, has acknowledged to the Court the receipt of \$5,530.90, full satisfaction from the Manhattan Life Insurance Company. Judgment has been rendered in favor of the plaintiff in the suit against Theresa Wilcox, for \$300 and costs.

William P. Hickey was brought before the Court yesterday morning and sentenced to five years' imprisonment at hard labor. His attorneys at once made a motion for a new trial claiming a writ of error in law accruing at the trial, in that the Court refused to instruct the jury as requested by the defendant. A further ground was claimed that the verdict of the jury was against law and the evidence. Motion was also made for arrest of judgment on the ground that the Court had no jurisdiction to try the case in the First Circuit, as it was triable in the Fourth Circuit and sufficient proof was not given why it should be transferred.

Geo. D. Gear was admitted to the Bar of the Republic yesterday. His recommendations were of the highest character.

## Tax Appeal Case.

The Clerk of the Supreme Court has received from H. D. Wishard, as president of the Tax Appeal Court, Island of Kauai, a certificate of an appeal to the Supreme Court from an assessment made on the property of Grove Farm, of which Hon. G. N. Wilcox is proprietor.

The valuation of the farm, placed by the owner at \$130,000, was increased by the Assessor to \$168,450. There are several other cases talked of, but the records are not yet sent up.

## Homing Pigeon Association.

The Homing Pigeon Association is busily at work. The Promoters' Committee has issued circulars, calling upon the subscribers of stock for 30 per cent to be paid in at once. The plans for a most improved pigeon loft have been approved, and an order will soon be forwarded for the same, together with seven pairs of birds. W. C. Weedon has been elected secretary and treasurer pro tem, and subscribers will call on him to transact business.

## The New Oil Stove.

W. W. Dimond is showing the new Primus oil stove, one of the best, if not the very best, up-to-date stoves on the market. It is absolutely odorless, and burns a gas generated in the burner. There are several styles, from the ordinary single burner to that with three. The Primus is also arranged for plumbers' use, doing away with charcoal, and for the use of painters, thus doing away with the expensive and dangerous gasoline.

## Honolulu People Abroad.

News was brought by the Alameda yesterday of the state of health of several Honolulu people. Among the number was:

Wm. G. Irwin who was so far recovered from his recent illness when the steamer left, that he was able to take drives.

E. C. Macfarlane who was on the high road to recovery.

Walter F. Dillingham who had been confined to his bed for quite a while.

Chamberlain's Colic Cholera and Diarrhoea Remedy always affords prompt relief. For sale by all druggists and dealers, Benson, Smith & Co., agents for Hawaiian Islands.

## LOCAL BREVITIES.

President Dole is slowly recovering from his severe cold.

The new Hawaiian mail wagon is now on its regular rounds.

Work on the grand stand in the Kewalo bicycle track began yesterday.

Walter D. McBryde is authorized to sign for Bishop & Co., per procreation.

Election of delegates to the Nominating Convention will take place Monday night.

Col. Gilbert F. Little and Inspector-General Townsend will take the first steamer for Hilo.

Captain Crane has so far recovered from his recent accident as to be able to leave his home.

Professor Koehle is having excellent results from his researches in Old Mexico. His recall has been resuscitated.

J. J. Egan will be asked to become a Commissioner of Education. This will complete the quota required by law.

Mrs. Fuller gave a pleasant day to a number of her lady friends at the Waterhouse premises, Waikiki, yesterday.

Thomas Rain Walker, Esq., has been recognized as Acting Consul-General for Great Britain by Minister of Foreign Affairs Cooper.

The old shed between Hyman Bros. and L. B. Kerr's, is being torn down preparatory to the building of the new Inter-Island offices.

Mrs. M. F. Scott, principal of the Holuolua school, North Kona, is recovering rapidly from an operation performed on Sunday last.

Captain Nichols, accompanied by United States Minister Sewall made a formal call on Minister of Foreign Affairs Cooper Tuesday.

It is probable that J. F. Morgan, Walter McBryde and John Carden will be the candidates to the nominating convention from the 4th District 4th Precinct.

Minister Cooper called aboard the U. S. S. Bennington in the Foreign Office barge Wednesday morning. On leaving, he was accorded the usual salute.

It is rumored that the mission of Judge Carter to San Francisco is to close negotiations with Charles R. Bishop for the purchase of the Molokai ranch.

The Kindergarten Training School will reopen in September. Applicants for admission should call on Mrs. Harriet Castle Coleman, 660 King street, at once.

The Fiji Times suggests sending a commission to Honolulu to procure information regarding the method of preparing kalo. The plan is endorsed by the chiefs.

James A. Kennedy, chairman of the Central Committee of the American Union party, issues a call for the election of delegates by precinct clubs, and for the Island Nominating Convention.

Col. William F. Allen denies emphatically that he is a candidate for the position of Collector-General of Customs, and says that the Government knows he would not accept it if offered him.

Emma M. Nakuina, Commissioner of Private Ways and Water Rights for the District of Honolulu, Oahu, has a notice calling attention to a meeting to be held on Monday, September 13th, for the adjudication of water rights in Auwailolu.

The residents at the Peninsula are rejoicing in the fact that they now have a Post Office of their own. Until a short time ago their letters have been dropped off all along the route, principally at Pearl City or Ewa Mill. Mail addressed simply to Peninsula, Oahu, will reach them.

The attention of persons wishing to invest in coffee planting in Hawaii is called to the notice of the sale of the Kona Tea and Coffee estate, which will be found in this issue of the Gazette. This is a rare opportunity to secure a plantation which is just coming into bearing, more than half the coffee trees being over four years old. The plantation is in the center of the coffee district, and within two miles of the steamer landing.

## KEEP COOL.

There ain't no sense in getting riled an' havin' all your temper spilled. There ain't no use o' showin' spite. Because things don't turn out just right. Don't flare up like an ol' blame fool—Keep cool.

When things is gettin' in a muss, Don't rave aroun' an' start a fuss; Go! darn yer eyes, it might be wuss—Keep cool.

Ye'll sleep a good deal sounder, too, Enjoy yer meals and won't get blue, Ye'll find the sun ain't dropped away Because there is one cloudy day. Don't let yerself be Dull Care's tool—Keep cool.

—Pittsburg News.

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## FOUND FEW RELICS.

Mesa Cliffs Scaled in Search of Ancient Dwellers.

After four centuries of effort the "Mesa Enchantada" in New Mexico has been scaled, says an exchange. The honor belongs to Professor Libbey of Princeton University. The ascent is the most difficult of any in the known world. The mesa rises to a height of 850 feet sheer from the plains and covers a space of 10 acres. For 10 years the place has challenged the attention of scientific men because of the rumor that it was inhabited by the remnants of an ancient race, and numerous efforts have been made to reach its summit to no avail. Professor Libbey was equipped with a number of tandem kite teams, a balloon and a gun used by the United States Live-Saving Service. It was with this latter apparatus that the ascent was made of the rock which Coronado, as early as two centuries ago, stated was more impregnable than Gibraltar, against which the armies of the world would not avail. The cannon was anchored in the desert and a cord 3,000 feet in length was shot over the mesa, and made fast in the sand of the opposite side. Then a workman made the ascent, creeping and climbing over the rough edges and shelves to the summit. He was followed by Professor Libbey, who went up in a traveling chair. Then came others of the party.

On the summit were no evidences of inhabitants. The huts that were there half a thousand years ago, are gone. The bones of the 200 women said to have been left on the surface to starve could not be found. It was a bare and desolate place. The only water found was such as stood in hollow places dug out by the Acoma Indians 1,000 years ago. There was no animal life of any kind. There were the great rocky battlements used by the tribe before their rocky ladder path was destroyed and by which they defended themselves from attacks of the invaders, but all else was desolate. It is presumed by scientists that the flora he found on the surface would be of the kind that grew in the prehistoric world, the summit having just emerged from the ancient sea, and it is presumed that the flora has not changed. Therefore the specimens gathered will be of vast interest to botanists, and may perhaps open a new field of discovery. No classification whatever has been made, that will be attended to afterwards. The savage tribe of Acoma Indians have always guarded the cliff as sacred, and an attempt to climb it meant certain death at their hands, but they have died out and scattered, so that the explorers met with no opposition.

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